



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dong et al.
Serial No.: 09/676,768 Group No.: 1634
Filed: 10/02/00 Examiner: Whisenant
Entitled: **POLYMORPHISM ANALYSIS BY NUCLEIC ACID
STRUCTURE-PROBING**

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT OR PENDING
APPLICATION**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Dated: May 21, 2003

By: 

Mary Ellen Waite

Sir:

I, David A. Casimir, represent that I am an attorney of record for this invention. The Assignee, Third Wave Technologies, Inc., 502 South Rosa Road, Madison, Wisconsin 53719, is the owner of one-hundred percent (100%) interest in the instant application. A copy of the signed assignment documents from the inventors in the parent patent application, serial number 08/851,588, now U.S. Patent 6,214,545 is attached to this communication.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173 of claims 1 and 3-15 of co-pending Application No. 09/825,574 and claims 1-13 of prior Patent No. 6,210,880, and hereby agrees that any patent so granted on the above-identified instant application shall be enforceable only for and during such period that the legal title to said patent be the same as the legal title to the above referenced patents, this

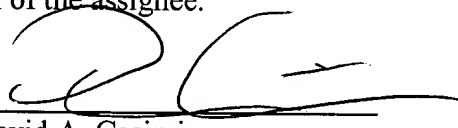
agreement to run with any patent granted on the above-identified instant application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173, as presently shortened by any terminal disclaimer, in the event that any Patent issuing from application No. 09/825,574 or Patent No. 6,210,880 should expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, have all claims cancelled by a reexamination certificate, are reissued, or are otherwise terminated prior to the expiration of their full statutory terms.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is empowered to act on behalf of the assignee.

Dated: May 21, 2003



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